

Senate Bill No. 1301

Passed the Senate May 12, 2008

Secretary of the Senate

Passed the Assembly August 31, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 66021.6 to the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 1301, Cedillo. Student financial aid: institutional financial aid eligibility.

The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University. Existing law also requires the waiver of student fees charged by community college districts for students who demonstrate financial need or are otherwise eligible for the waiver. Existing law requires the Board of Governors of the California Community Colleges to allocate to community college districts for determining financial need and delivering student financial aid services an amount based on the amount of fees waived.

This bill would amend the Donahoe Higher Education Act to require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and request the Regents of the University of California, to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under that provision, or who meet

equivalent requirements adopted by the regents, to be eligible to receive institutional financial aid awards. The bill would define institutional financial aid as financial assistance offered by a campus of the California Community Colleges, California State University, or University of California, including grant, scholarship, workstudy, and loan programs. The bill would specify that institutional financial aid does not include a board of governors fee waiver. The bill would declare that this provision is a state law within the meaning of a federal statute that permits a state to only provide an alien who is not lawfully present in the United States with eligibility for a state or local public benefit through the enactment of a state law affirmatively providing for that eligibility. This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable.

The people of the State of California do enact as follows:

SECTION 1. Section 66021.6 is added to the Education Code, to read:

66021.6. (a) Notwithstanding any other law, the Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, establish procedures and forms that enable persons who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to be eligible to receive institutional financial aid awards. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

(b) For purposes of this section, “institutional financial aid” means financial assistance offered by a campus of the California Community Colleges, California State University, or University of California, including grant, scholarship, workstudy, and loan programs.

(c) For purposes of this section, institutional financial aid does not include a board of governors fee waiver specified in Section 76300.

Approved _____, 2008

Governor